

Message Text

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ACTION EUR-12

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C O N F I D E N T I A L MADRID 0762

E.O. 11652: GDS

TAGS: PFOR, SP

SUBJ: COMMENTS OF JUSTICE MINISTER GARRIGUES ON POLITICAL
SITUATION

SUMMARY: JUSTICE MINISTER GARRIGUES BELIEVED THE PRIME
MINISTER'S SPEECH WENT AS FAR AS IT COULD PRUDENTLY GO BUT
STRESSED THAT GOVERNMENT'S ACTIONS WERE NOW MORE IMPORTANT
THAN WORDS. HE DETAILED SOME OF THE DRAFT LAWS WHICH HE AND
OTHER MINISTERS WILL SUBMIT TO THE CORTES. HE STRESSED
EXCLUSION OF COMMUNISTS FROM POLITICAL PROCESS. END SUMMARY.

1. DURING CONVERSATION WITH JUSTICE MINISTER GARRIGUES
JANUARY 30 HE TOLD ME THAT ALTHOUGH HE RECOGNIZED THAT PUBLIC
EXPECTATIONS ON THE PRIME MINISTER'S SPEECH HAD BEEN HIGH
AND HAD BEEN SOMEWHAT DISAPPOINTED, HE BELIEVED THAT ARIAS
COULD NOT HAVE GONE PRUDENTLY FURTHER IN THE PRESENT CIRCUM-
STANCES. THE INSTITUTIONS AS WELL AS THE PEOPLE WHO STRONGLY
SUPPORTED THE FRANCO REGIME WERE STILL IN PLACE AND THE
GOVERNMENT HAD TO TAKE THIS INTO ACCOUNT IN ITS PUBLIC
STATEMENTS. AS IT WAS, THE CORTES HAD NOT SHOWN MUCH
ENTHUSIASM FOR THE ARIAS SPEECH.

2. GARRIGUES MADE CLEAR HIS VIEW THAT THE GOVERNMENT HAD TWO
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PRINCIPAL TASKS. ONE WAS TO ADMINISTER THE COUNTRY AND

THE OTHER WAS TO BRING ABOUT DEMOCRATIC EVOLUTION. IF THE GOVERNMENT SHOULD DO EXTREMELY WELL IN THE FORMER BUT NOT SUCCEED IN THE LATTER IT WOULD HAVE FAILED IN ITS TASK. IN HIS VIEW ACTIONS WERE NOW MORE IMPORTANT THAN WORDS AND HE ASSURED ME THAT HE AND FRAGA WERE MOVING FORWARD RESOLUTELY TO PRESENT DRAFT LEGISLATION TO THE CORTES. IF THE CORTES WAS UNDULY SLOW OR BLOCKED PENDING LEGISLATION, THE GOVERNMENT WOULD RESORT TO DECREE LAWS, BUT IT PREFERRED, IF AT ALL POSSIBLE, NOT TO TAKE THIS ROUTE.

3. GARRIGUES INDICATED THAT HE HAD ALREADY PREPARED AND WOULD SUBMIT TO THE NEXT COUNCIL OF MINISTERS MEETING ON FEBRUARY 6 A DRAFT LAW TO REPEAL CERTAIN ARTICLES OF THE PENAL CODE REFERRED TO AS "ILLEGAL ASSOCIATIONS". THIS REPEAL WOULD HAVE TWO EFFECTS: ONE WAS TO ANNUL CERTAIN CRIMES FOR WHICH PEOPLE WERE NOW IN JAIL AND WOULD THEREBY BRING ABOUT THEIR AUTOMATIC RELEASE, AND THE OTHER WOULD BE TO PAVE THE WAY FOR FURTHER ACTION FOR THE CREATION OF POLITICAL ASSOCIATIONS, OR MORE ACCURATELY STATED, POLITICAL PARTIES. GARRIGUES THOUGHT THAT IT WOULD ALSO BE DESIRABLE, AND HE GAVE THE IMPRESSION THAT HE THOUGHT IT LIKELY, THAT THE KING ISSUE ANOTHER AMNESTY SUBSEQUENT TO APPROVAL BY THE CORTES OF THE REPEAL OF THE ARTICLES IN THE PENAL CODE. GARRIGUES TOLD ME HE WAS CONFIDENT THAT HE WOULD HAVE NO SERIOUS PROBLEMS WITH THE CORTES IN APPROVING THE DRAFT LEGISLATION HE INTENDED TO SUBMIT.

4. GARRIGUES ALSO MENTIONED THAT HE WOULD PRESENT LEGISLATION WHICH WOULD HAVE THE EFFECT OF REMOVING THE OBJECTIONABLE PARTS OF THE ANTI-TERRORIST LAW.

5. WITH REGARD TO POLITICAL PARTIES GARRIGUES SAID THAT A DRAFT LAW WOULD BE PRESENTED SOON WHICH WOULD REPEAL THE UNSUCCESSFUL 1974 LAW ON POLITICAL ASSOCIATIONS AND WHICH WOULD USE THE 1964 LAW AS A BASIS FOR THE CREATION OF POLITICAL ASSOCIATIONS OR PARTIES. THE MAIN EFFECT OF THIS LAW WOULD BE TO PERMIT THE SIMPLE CREATION OF POLITICAL GROUPS AND TO PLACE THEIR REGULATION UNDER THE GOVERNMENT RATHER THAN UNDER THE NATIONAL MOVEMENT AS IN THE 1974 LAW.

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6. WITH REGARD TO THE NATIONAL MOVEMENT GARRIGUES SAID THAT THIS MUST DISAPPEAR AS IT HAS NO FUTURE IN THE SPANISH SOCIETY. IT EXISTED FOR A CERTAIN PURPOSE AND THAT PURPOSE NO LONGER WAS RELEVANT. HE BELIEVED THAT MANY OF THE MOVEMENT FUNCTIONARIES COULD BE ABSORBED IN SOME NEW MINISTRY WHICH WOULD RELIEVE THE INTERIOR MINISTRY OF SOME OF ITS PRESENT FUNCTIONS IN THE FIELDS OF ENVIRONMENT, HEALTH, ETC.

7. GARRIGUES EXPRESSED THE VIEW THAT THE ARMED FORCES REMAINED COHESIVE AND NOT CONTAMINATED BY THE COMMUNISTS. HE COMMENTED THAT THE TRIALS OF THE FEW OFFICERS ACCUSED OF SUBVERSIVE ACTIVITY WOULD PROBABLY SOON TAKE PLACE AND WOULD BE HANDLED AS A STRICTLY MILITARY MATTER, WITH NO CIVILIAN ATTORNEYS PERMITTED. HE PERSONALLY BELIEVED THAT THESE TRIALS WOULD NOT PROVOKE MUCH REACTION.

8. ON THE COMMUNISTS GARRIGUES REITERATED WHAT HAS BEEN SAID BY MOST GOVERNMENT MINISTERS THAT THE COMMUNIST PARTY WILL NOT BE LEGALIZED AND WILL NOT BE PERMITTED TO PLAY A ROLE IN THIS EVOLUTIONARY PROCESS. HE EXPRESSED CONCERN OVER THE INFLUENCE WHICH MITTERAND AND THE FRENCH SOCIALIST PARTY HAD OVER GONZALEZ AND THE SPANISH SOCIALIST PARTY WITH RESPECT TO THE ATTITUDE TOWARDS COLLABORATION WITH THE COMMUNISTS. AT THE SAME TIME HE DID NOT BELIEVE THAT THE SPANISH SOCIALIST PARTY (PSOE) HAD MUCH STRENGTH IN SPAIN.

9. FINALLY GARRIGUES SAID THAT THERE REMAINED SOLIDARITY WITHIN THE GOVERNMENT CONCERNING THE PROGRAM TO BE CARRIED OUT. HE DID NOT UNDERESTIMATE THE DIFFICULTIES WHICH LAY AHEAD BUT HE MADE CLEAR THAT IT WAS THE GOVERNMENT'S INTENTION TO MOVE AT A GRADUAL BUT SUSTAINED PACE TO REFORM EXISTING INSTITUTIONS TO BRING ABOUT GREATER DEMOCRACY IN SPAIN.
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